

Remarks

Claims 1, 15, and 19-27 are pending in the above patent application. Claims 1, 15, 19, 20 and 23 have been amended and claims 2 and 16-18 have been cancelled by this amendment. Applicants respectfully submit that the amendments find support throughout the application as originally filed, for example at page 5, lines 7-8, and that no new matter is presented by this amendment. Applicants respectfully request entry thereof.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 2, 15-20 and 23 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner alleges that in claim 1 there is a valence problem when the variables are or include C₀₋₄ alkyl or C₀₋₃ alkyl when the variable is C₀ alkyl. Applicants disagree and respectfully submit that this term is clearly supported in the specification for example at page 6, lines 9-12, wherein the term C₀ alkyl is defined as being H or a single bond. Thus, this rejection is improper and should be withdrawn. Additionally, Applicants have deleted C₅₋₁₀ cycloalkenyl from the proviso in claim 1 and have corrected the spelling of hetaryl and other typographical corrections suggested by the Examiner. Accordingly, Applicants respectfully submit that the outstanding rejections under 112, second paragraph, have been overcome in view of the above comments and amendments to claim 1 and should be withdrawn.

Rejections under 35 U.S.C. § 102(b) in view of Zhang et al.

Applicants respectfully submit that Zhang et al. does not disclose the composition as claimed in claim 1. In particular, Zhang et al. discloses that R¹ and R^{1'} are both hydrogen. Claim 1 as amended provides that one of R¹ and R^{1'} is hydrogen and the other is halogen. Applicants respectfully submit that this rejection has been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 102(b) in view of Bora et al.

Applicants respectfully submit that Bora et al. does not disclose the composition as claimed in claim 1. In particular, Bora et al. discloses that Y is SO₂. Claim 1 as

amended provides that Y is -C(O)-. Applicants respectfully submit that this rejection has been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 102(b) in view of Hiremath et al. or Sinnur et al.

Applicants respectfully submit that neither Hiremath et al. nor Sinnur et al. disclose a pharmaceutical composition as claimed in claim 1 comprising a compound of formula (I) and a pharmaceutically acceptable carrier. Applicants respectfully submit that these rejections have been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 102(b) in view of Mndzhoyan et al.

Applicants respectfully submit that Mndzhoyan et al. does not disclose a pharmaceutical composition as claimed in claim 1 comprising a compound of formula (I) and a pharmaceutically acceptable carrier. Furthermore, Mndzhoyan et al. discloses that R¹ and R^{1'} are selected from hydrogen and methoxy. Claim 1 as amended provides that one of R¹ and R^{1'} is hydrogen and the other is halogen. Applicants respectfully submit that this rejection has been overcome and should be withdrawn.

Applicants note with appreciation the indication by the Examiner that claims 21 and 22 are allowable. Applicant respectfully submits that all claims are now in condition for allowance and requests a notice thereof.

Attorney for Applicants can be reached at the telephone number and address below.

Very truly yours,

Date: October 14, 2009

Customer Number 38724

OSI Pharmaceuticals, Inc
41 Pinelawn Road
Melville, NY 11747

/ Michael J. Rafa /
Michael J. Rafa
Attorney for Applicants
Registration No. 38,740
Phone: (631) 962-2056
Fax: (631) 845-0582
Email: mrafa@osip.com